

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re MICHAEL ERIK A.B. MAK, Petitioner

No. C 12-80118 SI

For the Issuance of Discovery in Aid of Foreign
Proceeding Pursuant to 28 U.S.C. § 1782.

ORDER RE: DEPOSITION

On May 31, 2012, the Court issued an order granting Petitioner Michael Erik A.B. Mak Sun Ming Hotung's *ex parte* application for the issuance of a subpoena pursuant to 28 U.S.C. § 1782. Petitioner Mak sought to subpoena George J. Grover in connection with a divorce proceeding between petitioner and Chan Wei Guang currently taking place in the High Court of the Hong Kong Special Administrative Region Court of First Instance. On June 25, 2012, Grover, proceeding *pro se*, filed a motion requesting that the Court quash the subpoena. On July 16, 2012, the Court denied the motion to quash.

According to petitioner, the deposition was set to occur on August 22, 2012. Grover did not appear at the deposition. In a letter submitted to the Court on August 22, 2012, Grover states that he had not received a response from this Court on his motion to quash. The docket reveals that on July 20, 2012, a remark was added stating that Grover was not served with the Court's July 16, 2012 Order because no address was on file. Grover was not added as a party to the docket, with an associated address, until August 22, 2012.

1 On August 23, 2012, petitioner filed a motion for sanctions and contempt against Grover for
2 failing to appear at the deposition, and requested an order rescheduling a deposition. Petitioner also
3 emailed the Court requesting an expedited schedule on its new motion.

4 It appears from the record that Grover, who is proceeding *pro se*, was not properly served with
5 the Court's July 16, 2012 Order (Order Denying George J. Grover's Motion to Set Aside Issuance of
6 Subpoena), at least not by the Court. Accordingly, petitioner's current motion for sanctions and
7 contempt is DENIED.


8 Petitioner is ORDERED to reschedule the deposition; prepare and serve on Grover an amended
9 subpoena reflecting the new time and location of the deposition; and file with the Court appropriate
10 proof of the service of same. Grover is ORDERED to appear at the rescheduled deposition and answer
11 the questions posed. Any further compliance issues may be raised by the parties thereafter.

12 The Clerk shall serve a copy of the Court's July 16, 2012 Order on Grover, along with a copy
13 of this Order, by mail at the address he has now provided to the Court.

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15 Docs. 13 and 14.

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17 **IT IS SO ORDERED.**

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19 Dated: August 24, 2012

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22 SUSAN ILLSTON
23 United States District Judge
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